



0000045101

OPEN MEETING ITEM

ORIGINAL

MEMORANDUM

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TO: THE COMMISSION

FROM: Don Thompson  
Supervisor  
Railroad Safety*W*AZ CORP COMMISSION  
DOCUMENT CONTROL

DATE: May 28, 2002

RE: IN THE MATTER OF THE ARIZONA CORPORATION COMMISSION, ON ITS OWN MOTION, TO ESTABLISH AN ARRAY OF PUBLIC RAIL/HIGHWAY GRADE CROSSINGS THROUGHOUT THE STATE OF ARIZONA (DOCKET NO. RR- 00000E-02-0385)

The Arizona Corporation Commission (Commission), pursuant to law, annually must submit to the Railroad Companies, Cities, Counties and the Arizona Department of Transportation (ADOT), an array of Public Rail/Highway Grade Crossings where the installation of automatic warning signals or devices should occur. This array is used as a planning tool by these agencies for grade crossing upgrades. Staff recommends that the previous array approved by the Commission in Decision No. 63633, dated May 4, 2001, be reaffirmed and that nine (9) additional crossings (identified in Attachment 1 to the proposed order) be added to the array. The nine (9) additional crossing upgrades have been identified by Staff after consultation with ADOT and the Federal Highway Administration.

*Christopher C. Kempsey**for* Brian C. McNeil  
Executive Secretary

BCM:BS:bs

ORIGINATOR: Bob Starkey

Arizona Corporation Commission  
**DOCKETED**

MAY 28 2002

DOCKETED BY	<i>nae</i>
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1                                   **BEFORE THE ARIZONA CORPORATION COMMISSION**

2       WILLIAM A. MUNDELL  
3           Chairman  
4       JIM IRVIN  
5           Commissioner  
6       MARC SPITZER  
7           Commissioner

8       IN THE MATTER OF THE ARIZONA                                   )  
9       CORPORATION COMMISSION, ON ITS OWN                        )  
10      MOTION, TO ESTABLISH AN ARRAY OF                            )  
11      PUBLIC RAIL/HIGHWAY GRADE CROSSINGS                        )  
12      THROUGHOUT THE STATE OF ARIZONA.                         )

DOCKET NO. RR-00000E-02-0385

DECISION NO. \_\_\_\_\_

ORDER

13      Open Meeting  
14      June 25 and 26, 2002  
15      Phoenix, Arizona

16      BY THE COMMISSION:

17                                   FINDINGS OF FACT

18           1.     The Thirty-third Arizona Legislature enacted Senate Bill 1336, which generally related  
19      to the allocation of funds for the installation of automatic warning signals and devices at public  
20      railroad grade crossings and the annual determination of locations where the installation of automatic  
21      warning signals should occur. This legislation was signed into law by the Governor of the State of  
22      Arizona on May 26, 1977, and became effective as Arizona Revised Statutes (A.R.S.) Sections 40-  
23      337.02 and 40-337.03 on that date.

24           2.     A.R.S. Section 40-337 enables the Arizona Corporation Commission (Commission),  
25      which has the exclusive power to determine and prescribe the manner and terms of installation of  
26      warnings at each railway crossing pursuant to A.R.S. Section 40-337, to annually establish an array  
27      of public railroad grade crossings to plan for the orderly installation of automatic warning signals  
28      and devices.

          3.     Although numerous hazard index formulas have been proposed over many years to  
assess the relative hazard of a grade crossing based upon some combination of its characteristics, no  
one such formula, or combination thereof, has universal acceptance. The development of the array  
and the determination of the warnings to be installed at crossings also involves the exercise of  
judgement.

1           4.     The array establishes crossings where the installation of automatic warning signals and  
2 devices should be considered in accordance with the above referenced legislation, depending upon  
3 the availability of monies, material, labor and other factors involved in such installation. The  
4 inclusion of a crossing on the array, however, does not mean that existing warning signs or signals,  
5 if any, are inadequate to enable an ordinary, prudent motorist to safely pass over the crossing.  
6 Conversely, a public crossing not appearing on the array does not exclude it from being improved  
7 under this program if it becomes an increased hazard to safety prior to the issuance of the next annual  
8 array.

9           5.     It is in the best interest of public safety, considering the current state and federal  
10 appropriations which have been allocated for the acquisition and installation of automatic warning  
11 signals and devices at public grade crossings in Arizona, for the array to become effective  
12 July 1, 1977, and thereafter to be supplemented or superseded.

13           6.     In order to promote the timely installation of warning signals and crossing upgrades,  
14 Staff, with representatives of ADOT and the Federal Highway Administration, have determined that  
15 the additional nine (9) crossings should be placed on the 2002 array for upgrading.

16           7.     Staff has recommended that the array approved by the Commission in  
17 Decision No. 63633 dated May 4, 2001, be reaffirmed and that the crossings listed in Attachment 1  
18 be added to the array.

19     ...

#### 20                                   CONCLUSIONS OF LAW

21           1.     All Public railway/highway grade crossings in Arizona are eligible to receive Federal  
22 funds for the installation of automatic warning signals and devices under the Intermodal Surface  
23 Transportation Act of 1991; these monies were appropriated in recognition of the public  
24 responsibility to improve safety at railway/highway crossings, and may be used to pay one hundred  
25 (100) percent of the total installation cost of each project.

26           2.     Pursuant to the Commission's exclusive power over railway/highway crossings, the  
27 annual array shall establish the public grade crossings in Arizona at which changes in signalization  
28 may be made under A.R.S. Sections 40-337.

ORDER

THEREFORE, IT IS ORDERED that the array established in Decision No. 63633, as well as the crossings listed on Attachment 1, be and hereby is approved.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

**BY ORDER OF THE ARIZONA CORPORATION COMMISSION**

CHAIRMAN

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. McNEIL,  
Executive Secretary of the Arizona Corporation Commission,  
have hereunto, set my hand and caused the official seal of this  
Commission to be affixed at the Capitol, in the City of  
Phoenix, this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

\_\_\_\_\_  
BRIAN C. McNEIL  
Executive Secretary

DISSENT \_\_\_\_\_

DT:BS:bs\

## ATTACHMENT 1

NAME	AAR/DOT No.	LOCATION	DEVICES*
Northern Ave. @ US 60	025-413-R2	Glendale	C, F
67 <sup>th</sup> Ave. @ US60	025-413-R1	Glendale	C, F
75 <sup>th</sup> Ave. @ US 60	025-408-U	Peoria	C, F
University Drive	741-561-J	Tempe	C, F
I-10 Frontage Road	741-091-D	Pima County	R, Cs
I-10 Frontage Raod	741-089-C	Pima County	R, Cs
36 <sup>th</sup> Street	741-292-U	Tucson	C, F, Cs
Bell Road	025-392-A	Maricopa County	C, F
5 <sup>th</sup> Street	741-560-C	Tempe	C, F

\* C - Cantilever

Cs - Concrete Crossing Surface

F - Flashers

R - Roundels